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## Banned in McLean

✓ Victor Marchetti was a high-level clerk and analyst at the CIA until 1969, when he quit because he had become "disenchanted" with the spy business. At the peak of his career he was an executive aide to Admiral Rufus Taylor, deputy director of the agency. Marchetti quit after doing 14 years of CIA paper work because he felt his employers had become "too large, too inefficient, too tribal, too dangerously manipulated by the military. One of the things that bothered me," he said, "was the fact that we continued to perpetuate the cold war, we were over-concerned with what they called 'maintaining stability in the third world,' another way of saying supporting our dictators and reactionary friends. Also, to be frank, age was a factor. My boy scouts were coming back with long hair and beards and saying they didn't want to go to Vietnam. It was a time of personal reevaluation. At the time all I thought was, just get out, the hell with it." He thought he would write some spy novels, make some money and "get established in the writing game." Eventually he planned to write "the kind of fiction I wanted to write in high school."

✓ Marchetti was disappointed when the critics panned his first book, a novel called *The Rope Dancer*, about espionage. "They completely misunderstood it," he complains. But he discovered that reporters were interested in him as news copy. He gave interviews, delivered some lectures and began work on a nonfiction analysis of all that he felt was wrong with US intelligence. He drew up an outline, found a co-author (John Marks, a former foreign service officer) and signed a contract with Knopf to write what was tentatively called *The CIA and the Cult of Intelligence*. Then the CIA's lawyers moved in. Since April 1972 Marchetti has been prohibited by court injunction from showing his manuscript to anyone outside the CIA without its prior approval.

With the help of the American Civil Liberties Union Marchetti appealed his case to the Supreme Court, which denied him a hearing. Marchetti now remains bound by the lower court injunction, which he calls "an outrageous document, written by that juridical master, Clement Haynsworth." It applies to fiction and nonfiction, and apparently it binds him for life. Under threat of contempt charges Marchetti and Marks sent their book to the CIA last month for approval. They were told that 100 pages of the 530 they submitted were unacceptable and would have to be cut. The CIA argued that if published in its present form, the book would compromise national security and violate the CIA's right to protect its "sources and methods." Marchetti, on the other hand, said he put nothing in the book that hadn't already been exposed and that the only names he included were those of high officials ("who are in a sense public") and foreign heads of state.

Legally the case is interesting because it is not being argued as a violation of the espionage statutes, but as a civil dispute. The CIA won its injunction against Marchetti on a principle of business law. Many big corporations require new employees to sign a contract promising not to give away or exploit company secrets when they leave the company, a practice that is generously supported by legal precedent. When Marchetti joined the CIA he pledged not to "divulge, publish or reveal either by word, conduct or by any other means any classified information, intelligence or knowledge . . . unless authorized specifically in writing in each case by the Director of Central Intelligence." So when Marchetti signed his book contract the CIA went straight to court citing his oath and business law precedents. It won an injunction against breach of contract; Marchetti and the ACLU describe their case as a constitutional issue, an unprecedented attempt by the government to censor a book before it has been published. They warn that other government workers may find themselves bound by similar injunctions. Marchetti points out that on August 25 the FBI announced that all employees would be bound by a new secrecy code, enforced through contract pledges like the one he signed at the CIA. When a reporter asked for a legal justification of the new policy, the FBI spokesman cited the Marchetti case.

Marchetti believes the CIA has taken him to court to harass the book out of existence. He says "The CIA doesn't want the book published. And if we go ahead and publish anyway they want to punish the author to set an example for lots of other guys who are sitting around in the Washington suburbs thinking about what has happened and wanting to comment." Marchetti's only legal recourse now is to challenge each CIA objection individually and try to reinstate the 100 censored pages a word at a time.

Since it is not possible to read the Marchetti manuscript we cannot say whether his suspicions about the agency are justified or not. One former CIA official who has seen parts of the book believes that Marchetti simply used bad judgment, that he might have published his book by now if only he had not used the names of current CIA employees and projects. Marchetti says his book doesn't expose current operations; the CIA says it does and as of now the agency has the upper hand.

(NOTE: Presumed AUTHOR  
is Elliott Marshall)  
SOC 4.01.2 *The Rope Dancer*  
The CIA and the  
Cult of Intelligence

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